



City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2404194  
**Applicant Name:** Norman B. Yelin  
**Address of Proposal:** 8071 Earl Avenue NW

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to subdivide one parcel into two parcels of land. Proposed parcel sizes are: Parcel A) 4,169 sq. ft. and Parcel B) 4,169 sq. ft. Existing structures to be demolished under separate permit.

The following approval is required:

**Short Subdivision:** - to divide one existing parcel into two parcels of land.  
(Seattle Municipal Code Chapter 23.24)

**SEPA DETERMINATION:** ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS  
☐ DNS with conditions  
☐ DNS involving non-exempt grading or demolition  
or involving another agency with jurisdiction

**BACKGROUND DATA**

Site and Vicinity

The subject property is located in a Single-Family 5000 (SF-5000) zone on the corner of NW 83<sup>rd</sup> Street and Earl Avenue NW. The rectangular shaped, 8,338-sq. ft. site has approximately 89 lineal ft.

of frontage on Earl Avenue NW and approximately 94 feet lot depth. Earl Avenue NW and NW 83<sup>rd</sup> Street at the project location are developed with curb, gutter and sidewalk.

The subject site is currently developed with a single-family residence, a detached garage and a shed. The site abuts a 16-foot alley to the west. There is a direct vehicular access from NW 83<sup>rd</sup> Street into an existing detached garage located on the northwestern portion of the lot next to the alley. Ten medium-sized cedar trees form a thick hedge along the north property line abutting NW 83<sup>rd</sup> Street and Earl Avenue NW. In addition, there are two Fir trees and one Cherry tree located on the lot. The topography of the site is relatively flat from the front of the existing lot to the rear. The site is not located within any mapped or observed Environmentally Critical Area (ECA). Properties to the north, east, west and south are zoned SF 5000 and development in the vicinity is predominantly single family residential.

### Proposal

The applicant proposes to subdivide one existing 8,338-square feet lot into two parcels of land. Proposed parcel sizes would be as follows: Parcel A) 4,169 square feet and Parcel B) 4,169 square feet. The existing single-family residence, detached garage and shed would be removed by a separate permit. Proposed Parcels A and B would have street frontage on Earl Avenue NW.

No development or construction activities are associated with the current proposal; the subject of this analysis and decision is restricted to the proposed division of land.

### Public Comments

DPD received several public comments during the extended comment period, which ended on August 25, 2004. In addition, fifty-three neighborhood residents signed a request for a community meeting to express their concerns about the impacts of the proposed short plat. The public meeting was held on Thursday, October 7, 2004 and was attended by fifteen residents. The neighbors assert that the character of their neighborhood will be negatively altered by replacing the more traditional homes on larger lots with larger less traditional homes on smaller lots. Other concerns raised include increased density, traffic and parking impacts, lost of architectural charm and the destruction of existing trees and the aesthetic quality of the neighborhood.

### **ANALYSIS - SHORT SUBDIVISION**

Based on information provided by the applicant, referral comments from DPD's Drainage Section, Seattle Fire Departments, and Seattle Public Utilities (Seattle City Light and Water Department); and review by the Land Use Planner, the following findings are made with respect to the applicable criteria:

Pursuant to SMC 23.24.040, the Director shall, after conferring with appropriate officials, use the following (applicable) criteria to determine whether to grant, condition, or deny a short plat.

1. *Conformance to the applicable Land Use Code provisions;*

The proposed Parcel A and Parcel B would meet the requirements for the code allowed exceptions to lot size. Parcel A would be 4,169 sq. ft. and Parcel B would be 4,169 sq. ft. Both Parcel A and B would satisfy the “75/80 rule”, established in SMC 23.44.010 and therefore, may have less than the required lot area. Each lot will have adequate buildable lot area to meet applicable setbacks and lot coverage requirements and other Land Use Code development standards. Any new developments must conform to Land Use Code requirements at the time of application. Redevelopment of the site will require that the curb on NW 83<sup>rd</sup> Street be restored when parking is provided with alley access.

2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005.*

Proposed Parcels A and B would have adequate vehicular and utility access to NW 83<sup>rd</sup> Street from an existing 16-foot alley abutting the rear property line to the west of the site. The Seattle Fire Department would provide emergency vehicle access to the site, and after review of the application, the Fire Department has approved the proposed short plat for emergency vehicle access. No street improvements are required. Seattle City Light does not require any additional easements to provide electricity.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal.*

This area is served with domestic water, sanitary sewer, and storm drain facilities by the City of Seattle, and availability of service is assured subject to standard conditions of utility extension.

The proposed parcels would be connected by means of side sewer to an 8-inch public combined sewer (PS) located in Earl Avenue NW. The PS is also an appropriate point for stormwater discharge. Future new construction with discharge to the sanitary sewer would require a sidesewer permit. Stormwater detention, with controlled release to the PS in Earl Avenue NW, would likely be required for construction in excess of 2,000 square feet of development coverage. Plan review requirements would be made at the time of building permit application in accordance with any applicable stormwater ordinances in effect at that time. If the project proposes more than 5,000 square feet of new or replaced impervious surface, a comprehensive drainage control plan, prepared in accordance with SMC 22.802.015(D) and 22.802.020, may be required.

The Short Plat application was reviewed by Seattle Public Utilities, and Water Availability Certificate #04-1050 was approved and issued on July 20, 2004.

4. *Whether the public use and interests are served by permitting the proposed division of land.*

One objective of the short subdivision process is to increase opportunities for new housing development in order to ensure that there will be adequate capacity for future housing need. The proposed short subdivision will meet all the applicable Land Use Code provisions. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. The public use and interest will be served with this proposal because additional opportunities for housing would be provided within the City limits as a result of this subdivision.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, Short Subdivisions and Subdivisions, in Environmentally Critical Areas.*

The site is not located in any environmentally critical area as defined in SMC 25.09.240. There are no environmentally critical areas mapped or otherwise observed on the site.

6. *Is designed to maximize the retention of existing trees:*

There are approximately thirteen (13) trees (Fir, Cherry and Cedar) located upon the development site. Most of these trees are located along the site's perimeter along NW 83<sup>rd</sup> Street and Earl Avenue NW. The applicant has indicated that all the trees along the perimeter of the site would be preserved, although potential building footprint would necessitate the removal of one Cherry tree located within the principal building area. Future construction would be subject to the provisions of SMC 23.44.008, which sets forth the tree planting requirements on single-family lots.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivision, when the subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, cluster housing, or single family housing:*

This Short Subdivision is not a unit subdivision. Thus, this section is not applicable to this short plat application.

8. *Conformance to the provisions of Section 23.24.046, multiple single family dwelling units on a single family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single family dwelling unit:*

This Short Subdivision is not a multiple single-family dwelling unit subdivision. Thus, this section is not applicable to this shot plat proposal.

## **DECISION - SHORT SUBDIVISION**

The proposed short plat is **CONDITIONALLY APPROVED.**

## **CONDITIONS - SHORT SUBDIVISION**

### Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Have final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. Show the side yard setback for the existing house from the new lot line. The property corners set shall be identified on the plat and encroachments such as fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat and their distances to the proposed property lines dimensioned. The boundaries shall be adjusted if necessary to meet the requirements of the Land Use Code.
2. Add the conditions noted below, to the plat. These may be added to the face of the plat, or may be attached as a separate page.
3. Submit the final recording forms and fee for approval.
4. Place the following note on the plat: "Redevelopment of the site will require that the curb on NW 83rd Street be restored when parking with alley access is provided to Parcel B".

### After Recording and Prior to Issuance of a Building Permit

5. Attach copy of the recorded short plat with the plans upon application for a construction permit.

Signature: \_\_\_\_\_ (signature on file) Date: November 18, 2004

Christopher A. Ndifon, Land Use Planner  
Department of Planning and Development  
Land Use Services

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